



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

April 15, 2005

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

VIA CERTIFIED MAIL

7002 0510 0004 0439 7903

Mr. Rich Montgomery
United Minerals Company, LLC
P.O. Box 400
409 Van Buren Street
Huntington, IN 47542

Dear Mr. Montgomery:

Re: *Pike County*
NPDES General Permit No. ING040206
Somerville East Mine
Pike County, Indiana

We are pleased to inform you that your Notice of Intent (NOI) letter submitted to the Indiana Department of Environmental Management (IDEM) is sufficient to comply with the NOI requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities. The general permit rule requirements are contained in 327 IAC 15-1 through 15-4 and 15-7. These rules are enclosed for your review. Please review them carefully to ensure your facility is in compliance with all applicable regulations.

At this time, a NPDES general permit identification number is being assigned to each facility that has submitted a NOI letter to comply with 327 IAC 15-7. Due to the fact that 327 IAC 15-7 is a permit by rule, you will NOT be receiving an actual permit. The general permit number will be used as an identification number and should be included on all correspondence submitted to IDEM in relation to this NPDES general permit.

The NPDES general permit number which has been assigned to this facility is:

ING040206

General permit rule 327 IAC 15-7 requires monthly reporting of several effluent parameters. Reporting is to be recorded on the enclosed discharge monitoring report forms and submitted to the Data Management Section of the Office of Water Quality. Enclosed are a

Mr. Rich Montgomery

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supply of forms for approximately four months of reporting. Please duplicate this form as needed for all further reporting.

Coverage under 327 IAC 15-7 shall become effective 18 days from the date of mailing of this letter, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under this general permit rule expires on May 2, 2010. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

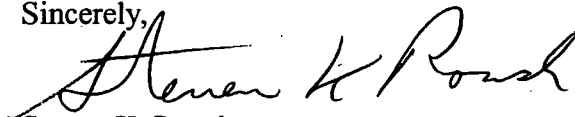
Please note that any person who is adversely affected or aggrieved by this acceptance for coverage under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

Please note that in accordance with 327 IAC 15-7-5(c), IDEM shall public notice its decision to accept your facility for coverage under the general permit rule.

If you have any questions regarding this letter, please contact Ms. Sherri Owens of the NPDES Industrial Permits Group at (317) 232-8703.

Sincerely,



Steven K. Roush

Section Chief

Industrial NPDES Permits Section

Office of Water Quality

SLO/slo

Enclosures

cc: Pike County Health Department
IDNR, Division of Reclamation

STATE OF IN
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2005 - 4E -GP

DATE OF NOTICE: April 15, 2005

The Office of Water Quality is voiding the following NPDES Permit.

NEW - RULE 327 IAC 15-7.

SOMERVILLE EAST MINE, Permit No. ING040206, PIKE COUNTY, This facility will discharge storm water run-off wastewater into Hat Creek. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities. Permit Writer: Sherri Owens at 317/232-8703.

APPEAL PROCEDURES FOR FINAL PERMITS

The General Permit is available for inspection at IDEM, North Bldg, 100 N Senate Ave, (mail code 65-42 PS) Indianapolis, IN, Rm 1203, Office of Water Quality/NPDES Permit Section, 9 - 4., M-F (copies 10¢ per page). The Permit is also on file with the local County Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a *Petition for Administrative Review* with the Office of Environmental Adjudication within eighteen (18) days from the date of this Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected or is otherwise entitled to review by law. **Timely filing:** The *Petition for Administrative Review* must be either: (1) received by the Office of Environmental Adjudication (OEA) no later than 18 days from this Notice date; (2) postmarked no later than 18 days from this Notice date; or (3) received by private carrier no later than 18 days from this Notice date as shown by receipt issued by the carrier. This *Petition for Administrative Review* represents a request for an Adjudicatory Hearing and must also:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the *Petition for Administrative Review* desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a *Petition for Stay* must be included in the appeal request, identifying those parts to be stayed. Both *Petitions* shall be mailed or delivered to the address here:
Phone: 317/232-8591.

**Environmental Law Judge
Office of Environmental Adjudication
IGC - North Building- Rm 1049
100 N. Senate Avenue
Indianapolis IN 46204**

Stay Time frame: If the *Petition(s)* are filed within eighteen (18) days of this Notice date, the effective date of any part of the permit, within the scope of the *Petition for Stay* is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen(15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the *Petition for Administrative Review*. *Petition for Administrative Review* must be filed in compliance with the procedures and time frames outlined herein. Procedural or scheduling questions should be directed to the OEA at the phone listed above.

I. Identification of Potentially Affected Persons

Please list here any and all persons whom you have reason to believe have a substantial or proprietary interest in this matter, or could otherwise be considered to be potentially affected under the law. Failure to notify any person who is later determined to be potentially affected could result in voiding our decision on procedural grounds. To ensure conformance with AOPA and to avoid reversal of a decision, please list all such parties. The letter attached to this form will further explain the requirements under the AOPA. Attach additional names and addresses on a separate sheet of paper, as needed. Please indicate below the type of action you are requesting.

Name: <i>See Attachment #1</i> Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:
Name: Street: City/State/Zip:	Name: Street: City/State/Zip:

II. Please complete this form by signing the following statement.

I certify to the best of my knowledge I have listed all potentially affected parties, as defined by IC 4-21.5.

Signature: *Richard Montgomery* Printed name: *Richard Montgomery* Date: *1/21/05*

Facility Name: *Somerville East Mine*

Facility Address: *C/O United Minerals PO Box 400
Huntingburg, IN 47542*

III. Type of Action (check one)

- ☒ NPDES PERMIT - 327 IAC 5
☐ PRETREATMENT PERMIT - 327 IAC 5
☐ SEWER BAN WAIVER REQUEST - 327 IAC 4
☐ CONSTRUCTION PERMIT - 327 IAC 3

Return To:

Indiana Department of Environmental Management
Office of Water Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana, 46206-6015

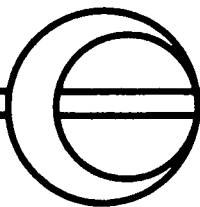
Somerville East Mine

Revision Date 01/21/05

Outfall	Latitude	Longitude	Drainage Status	Receiving Stream	DWBFV*
05S	38 19 18.9	87 14 51.4	Unconstructed	Hat Creek	0.00
017	38 19 27.3	87 15 06.6	Undetermined	Hat Creek	0.00
022	38 18 43.7	87 15 19.3	Undetermined	Unnamed Tributary Patoka River South Fork	0.00
027	38 18 36.4	87 15 17.1	Undetermined	Unnamed Tributary Patoka River South Fork	0.00

* Dry Weather Base Flow Value

** Unconstructed



United Minerals Company, LLC

P.O. Box 400 • 409 Van Buren Street • Huntingburg, IN 47542
Phone 812-683-5024 • Fax 812-683-5049

January 21, 2005

Indiana Dept. of Environmental Management
Office of Water Management
Permits Section
100 North Senate Avenue
P. O. Box 6015
Indianapolis, IN 46206-6015

RE: Notice of Intent to Comply with 327 IAC 15-7
New NPDES Permit

Dear Sir or Madam:

Black Beauty Coal Company submits this notice of intent to comply with 327 IAC 15-7 regulating facilities engaged in mining of coal, coal processing and reclamation activities.

Black Beauty Coal Company, P. O. Box 312, Evansville, IN 47702 is a privately-owned partnership which currently holds, or has applied for, a valid mining permit for the Somerville East Mine located in Sections 19 & 30, T2S R7W, and Sections 24 & 25, T2S R8W, all of the above located in Monroe Township – NE, Pike County, Indiana. This area being identified is within the Oakland City & Augusta USGS 7.5 Minute Quadrangles. Our Standard Industrial Classification code is 1211.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Should you have any questions or comments regarding this submittal, please contact me at our Evansville office, (812) 424-9000.

Sincerely,

Rich Montgomery

Rich Montgomery, Environmental Affairs Specialist
Responsible Corporate Officer - Signature

2/1/05
Date

Enclosure: Publishers Affidavit for Legal Notice
List of Affected Persons
Map of Somerville East Mine showing outfalls
Check in the amount of \$50.00 for the Application Fee

cc: Tim Corn - DNR

Black Beauty Coal Company
P.O. Box 312
Evansville, IN 47702

Pike-Gibson Water
Attn: Kevin Stillwell
716 N Jackson St.
Oakland City, IN 47660

Indiana Dept. of Transportation
Vincennes District
3650 US Highway 41
Vincennes, IN 47591

Pike County Commissioners
Pike County Courthouse
Petersburg, IN 47567

G W Lecocq Trust
13421 N Green River Rd.
Evansville, IN 47715

Donald & Sharon Barrett

Exemption 6

Mathew & Jamie Jimes

Exemption 6

Daniel & Lanna Pyle

Exemption 6

Somerville

DATA FOR COMPUTING CLAIM

Width of single column ems 8 ems
Number of insertions 1

Size of type 8 point
Size of quad upon which type is cast 9

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,
I hereby certify that the foregoing account is just and correct, that the amount claimed is
legally due, after allowing all just credits, and that no part of the same has been paid.

Frank Heuring

Publisher

Date January 26, 2005

PUBLISHER'S AFFIDAVIT

State of Indiana, ss:

Pike County

Personally appeared before me, a notary public in and for said county and state, the undersigned **Frank Heuring** who, being duly sworn, says that he is **Publisher of The Press-Dispatch a Weekly** newspaper of general circulation printed and published in the English language in the **City of Petersburg** in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time(s), the dates of publication being as follows:
January 26, 2005

Frank Heuring

Subscribed and sworn to before me this 26th day of
January, 2005.

Sara Ann Bachman

Sara Ann Bachman, resident Daviess County, Indiana
Notary Public

My commission expires September 16, 2009.

PUBLIC NOTICE

Black Beauty Coal Company, P.O. Box 312, Evansville, IN 47702, which operates the Somerville East Mine located in Sections 19 & 30, T2S R7W, and Sections 24 & 25, T2S R8W, all of the above located in Monroe Township, NE, Pike County, Indiana. This area being identified is within the Oakland City & Augusta USGS 7.5 Minute Quadrangles and has ponds discharging into tributaries of Hat Creek and unnamed tributaries of the Patoka River South Fork is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and/or reclamation activities. Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;

(B) identify the interest of the person making the request;

(C) identify any persons represented by the person making the request;

(D) state with particularity the reasons for the request;

(E) state with particularity the issues proposed for consideration at the hearing; and

(F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, IN 46206-6167
(January 26, 2005)